

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
FABIAN A. MOROCHO CHINCHILIMA,

Plaintiff,

-against-

PETRO PROCHLIAK, EXPEDITED SERVICES
ROADTEX, INC. and RYDER TRUCK RENTAL, INC.,

Defendants.
-----X

CIVIL ACTION NO.:

**NOTICE OF REMOVAL
OF CIVIL ACTION**

Kings County Index No.:
518445/2022

August 4, 2022

PETITION OF REMOVAL OF CIVIL ACTION

1. Defendants, Petro Prochliak, S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc. and Ryder Truck Rental, Inc., are named as parties in a civil action commenced by the Plaintiff, Fabian A. Morocho Chinchilima (“Plaintiff”) in the Supreme Court of the State of New York, County of Kings with the caption of that action being *Fabian A. Morocho Chinchilima v. Petro Prochliak, Expedited Services Roadtex, Inc. and Ryder Truck Rental, Inc.*, Index No.: 518445/2022 (the “State Court Action”). A copy of the Plaintiff’s Summons and Complaint is annexed hereto as **Exhibit “A”**.

2. Upon information and belief, the State Court Action was commenced by the Plaintiff’s filing of the Summons and Complaint on June 28, 2022. *Id.* The Summons and Complaint are dated June 28, 2022. *Id.*

3. Upon information and belief, the Defendant, Petro Prochliak, has not been served with the Plaintiff’s Summons and Complaint. An Affidavit of Service for the Defendant, Petro Prochliak, has not been provided.

4. Upon information and belief, the Defendant, S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc., has not been served with the Plaintiff’s Summons and Complaint. An

Affidavit of Service for the Defendant, S Leasing Corp. i/s/h/a Expedited Roadtex, Inc., has not been provided.

5. Defendant, Ryder Truck Rental, Inc., was served with the Plaintiff's Summons and Complaint on July 5, 2022. A copy of the Affidavit of Service is annexed hereto as **Exhibit "B"**.

6. Upon information and belief, the Plaintiff is a New York resident who resides in the County of Kings, New York. *See* Exhibit "A" at ¶ 1.

7. Defendant, Petro Prochliak, is a New Jersey resident who resides in Parlin, New Jersey.

8. Defendant, S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc., is an Indiana domestic for-profit corporation with its principal office address located at 13 English Green, Westfield, Indiana 46074.

9. Defendant, Ryder Truck Rental, Inc., is a Florida foreign business corporation with its principal executive office located at 11690 N W 105th Street, Miami, Florida 33178.

10. Defendants, Petro Prochliak, S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc. and Ryder Truck Rental, Inc., have not filed responsive pleadings in the State Court Action.

11. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. § 1332.

12. By letter, dated August 3, 2022, the Defendants, Petro Prochliak and S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc.'s, attorney wrote Plaintiff's counsel and sent an accompanying stipulation asking Plaintiff to stipulate that the total amount of damages that he can recover, if any, in this action cannot exceed \$75,000.00, exclusive of interest and costs. A copy of the August 3, 2022 correspondence and proposed stipulation are annexed hereto as **Exhibit "C"**.

13. The total amount claimed in Plaintiff's Summons and Complaint in the State Court Action, is \$10,000,000.00. *See* Exhibit "A" at ¶ 58. Plaintiff seeks in excess of \$75,000.00, as such the matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

14. Defendants, Petro Prochliak and S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc., assert that this Honorable Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 by virtue of diversity of citizenship jurisdiction.

15. Therefore, the Defendants, Petro Prochliak and S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc., are entitled to removal of the State Court Action to this Court pursuant to 28 U.S.C. § 1441(a).

WHEREFORE, the Defendants, Petro Prochliak and S Leasing Corp. i/s/h/a Expedited Services Roadtex, Inc., respectfully request that the State Court Action be removed to the United States District Court for the Eastern District of New York.

Dated: New York, New York
August 4, 2022

CLAUSEN MILLER P.C.



By: _____

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File No.: DRT 27717

CERTIFICATE OF SERVICE

I certify that on the 4th day of August, 2022, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** to be served via U.S. Mail postage prepaid, on the following:

Aleksandr Vakarev, Esq.
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